
OLR Bill Analysis

sSB 929 (File 387, as amended by Senate “A” and “B”)*

AN ACT TRANSFERRING CERTAIN FUNCTIONS AND OPERATIONS OF THE DEPARTMENT OF CONSTRUCTION SERVICES AND REGULATING SPECIAL EFFECTS DISPLAYS.

SUMMARY:

This bill makes changes affecting (1) Department of Construction Services (DCS) operations and regulation of special effects displays and (2) roof pitch on school buildings.

The bill returns statutory responsibility for regulating rocketry, explosives and blasting agents, and fireworks and special effects to the Department of Emergency Services and Public Protection (DESPP) from DCS. DESPP regulated these areas before the 2011 agency consolidations and continues to do so under a memorandum of understanding with DCS.

The bill makes conforming changes, replacing the (1) authority of the state fire marshal, whose office is within DCS, with the DESPP commissioner’s authority with regard to regulating fireworks and special effects and (2) DCS commissioner’s authority with the DESPP commissioner’s authority in the other areas of regulation. In another conforming change, the bill takes the regulations pertaining to rocketry out of the state fire prevention code, which is enforced by the state fire marshal, to reflect DESPP’s restored authority to regulate rocketry. It returns to DESPP jurisdiction statutes on model rocketry that were to expire on January 1, 2015. Overall, the changes affect procurement, manufacture, transportation, storage, sales, and use of the products.

The bill creates a mechanism for regulating all supervised uses or displays of special effects produced by pyrotechnics or flame producing devices, which includes DESPP permitting and competency certification, local site inspection, fees, and criminal penalties. It

thereby extends regulation to (1) outdoor use and (2) flame-producing devices.

With regard to roof pitch, the bill changes the minimum roof pitch required on school roofs for them to be eligible for a state reimbursement from $\frac{1}{2}$ inch per foot to the standard in the State Building Code, which is currently $\frac{1}{4}$ inch per foot. Current law authorizes the $\frac{1}{4}$ inch pitch in some circumstances.

The bill also makes technical and conforming changes.

*Senate Amendment "A" makes a technical change.

*Senate Amendment "B" adds the roof pitch provision.

EFFECTIVE DATE: October 1, 2013, except the (1) roof pitch provision and a technical change related to the reinstatement of the model rocketry provisions are effective upon passage and (2) provisions reinstating the model rocketry provisions are effective January 1, 2015.

REGULATION OF PYROTECHNICS AND SPECIAL EFFECTS

Current law requires operators to have a state permit to use pyrotechnics, sparklers, and fountains indoors for special effects. This bill requires them to have a permit for supervised displays, whether indoors or outdoors. It also extends the permit requirement to flame-producing devices used to produce special effects.

As is the case with the existing permit for indoor use, the bill applies to municipalities, fair associations, amusement parks, other organizations or groups of individuals, and artisans pursuing their trade.

Permit Application

An applicant for a permit to display special effects must submit a written DESPP application at least 15 days before the display date, or upon such notice as the DESPP commissioner prescribes in regulation. DESPP cannot issue the permit until the:

1. fire marshal for the municipality where the display is to be held inspects the display site and determines that it complies with regulations and
2. police and fire chiefs or, where there are none, the municipality's chief executive officer, approves the site. The display must be of a character and so located, discharged, or fired as, in the officials' opinion, after proper inspection, not to be hazardous to property or endanger anyone.

The permit is valid only for the event and cannot be transferred. The commissioner may suspend or revoke it for violation of any law, regulation, or ordinance dealing with special effects.

The permit fee is \$100, payable to the state treasurer.

Regulations and Exemptions and Variations

The bill requires the DESPP commissioner to adopt regulations for issuing permits, including provisions for determining the competence of anyone intending to discharge or fire such special effects.

He may grant, in writing, variations or exemptions from, or approve equivalent or alternate compliance with, particular provisions of the regulations if strict compliance would entail practical difficulty or unnecessary hardship or is otherwise considered unwarranted. Any such variation, exemption, or equivalent or alternate compliance must, in his opinion, secure the public safety.

Competency Certificates

The bill authorizes the DESPP commissioner to adopt regulations including provisions for determining the competence of people intending to discharge or fire special effects. The regulations do not apply to people using minimal amounts of pyrotechnics or flame-producing devices in ceremonial activities.

The bill's provisions are substantially similar (though not identical) to those governing indoor use and display of special effects under existing law. For example, the bill requires anyone handling,

discharging, or firing pyrotechnic or flame-producing devices for special effects use or display to be supervised by someone who has a DESPP competency certificate attesting to his or her competence to supervise the handling, discharge, or firing of special effects. But the bill does not appear to extend to the outdoor use and display of special effects the liability insurance required for the use of pyrotechnics for indoor special effects (CGS § 29-359).

The certificate costs \$200 and is renewable every three years for \$190. The fees are payable to the state treasurer. The certificate is not transferable and the DESPP commissioner may suspend or revoke it for cause.

Violations and Penalties

A violation of the bill's new permit or certificate requirements is a class A misdemeanor, punishable by imprisonment for up to one year, a fine up to \$2,000, or both. If death or injury results from the violation, it is a class C felony, punishable by up to 10 years imprisonment, a fine of up to \$10,000, or both.

Non-resident firms, corporations, or persons applying for a permit must appoint, in writing, the secretary of the state to be the attorney on whom process must be served in any action against them.

ROOF PITCH

Under current law, a school roof pitch must be at least $\frac{1}{2}$ inch per foot to be eligible for state reimbursement. But the DCS commissioner may allow $\frac{1}{4}$ inch per foot for a total roof replacement if the (1) reduction will not impede drainage or cause pooling of water that may leak into the building to a greater degree than that of a roof with a minimum $\frac{1}{2}$ inch per foot; (2) the cost of the $\frac{1}{2}$ inch pitch would be substantially greater, (3) the $\frac{1}{2}$ inch pitch would take substantially longer, and (4) the building would have to be substantially rebuilt to support a $\frac{1}{2}$ inch pitch.

The bill changes the minimum roof pitch to the standard used in the State Building Code, which is $\frac{1}{4}$ inch per foot.

BACKGROUND

Related Bills

SB 876 (File 606) also changes the minimum roof pitch required on school roofs for them to be eligible for state reimbursement from $\frac{1}{2}$ inch per foot to $\frac{1}{4}$ inch per foot, the standard used in the State Building Code.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 23 Nay 0 (03/19/2013)

Government Administration and Elections Committee

Joint Favorable

Yea 10 Nay 0 (05/06/2013)